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European Union Citizenship Rights and Duties: Civil, Political and Social

Dora Kostakopoulou

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Abstract

The 'market bias' underpinning discussions about EU citizenship is quite puzzling. It may be difficult to find another category of persons, apart from EU citizens, for whom the personal and the professional do not overlap, since both constitute dimensions of the same life. Such economic determinism implies that: i) certain aspects of the self can have a separate existence thereby suggesting, and defending, a fragmentary self; and ii) freedom of movement can be separated from the sociality that accompanies one's pre-border crossing status and his/her settlement in another Member State. In other words, it is not only a naïve economism that underpins the notion of 'market citizenship', but also a methodological individualism since the term 'market citizens' necessarily centres our mind to 'asocial citizens' and 'floaters', that is, individuals willing to cross borders in order to maximise their economic self-interest. In what follows, I argue that these conceptions are misleading and misplaced for a number of reasons and that free movement of persons in the European Union cannot be thought of separately from its social, political and normative dimensions. If we are to understand what being an EU citizen means, we need to see individuals 'in their fullness' and not to focus on one aspect of their lives, namely, the economic one, prioritise this and then infer the rest. In addition, we must get a number of foci of inquiry into balance and to integrate the civil, political and social dimensions of EU citizenship, on the one hand, and rights and (future) duties, on the other. In this way, European Union citizenship emerges as an evolving whole of mutually interacting and interconnected parts and generative of new political realities and enriching associational bonds.

Key words: European Union citizenship, free movement, rights, Court of Justice of the European Union, sociality, equal treatment, citizenship rights, duties of EU citizenship

‘Our life is all one human whole, and if we are to have any real knowledge of it we must see it as such. If we cut it up it dies in the process: and so I conceive that the various branches of research that deal with this whole are properly distinguished by change in the point of sight than by any division in the thing that is seen.’

(Charles Horton Cooley, February 1909)

What is European Union citizenship and why it is prized? Is the good that European Union citizenship seeks to promote simply an economic one, namely, market integration? Or is its value tangled with other, bigger objectives, such as political integration and the creation of an ever closer Union among the peoples of Europe, be they the citizens of its Member States or all residents in the territory of the Union? And if, on the other hand, EU citizenship and intra-EU mobility are viewed as instantiations of market integration, where do the individual, his/her experiences and his/her social world feature in all this? In addressing these questions in this chapter, I opt for an integrated approach that blends insights from history, politics, law and sociology.

This choice stems from my belief that, if the process of European citizenship building is viewed as the outcome of two level games, that is, between supranational institutions, on the one hand, and the Member States, on the other, in which conflict and cooperation co-exist simply because both parties have come to terms with the facts that playing the ‘game’ itself and maintaining the benefits derived from it are much more important than concrete wins and losses at present or in the future, then we would miss something important about both the vision underpinning European Union citizenship and its effects on ‘who we are’, and ‘how we should live with Others’. Games played by institutional actors do not leave much room for the everyday experiences of ordinary individuals and their practices. Nor does this perspective enable us to discern clearly how particular institutional configurations and institutional actors, including *inter*

alia the judiciary, can enhance, or impoverish, individuals' life chances and address, or pay no heed to, human needs.

In this chapter, I link EU citizenship's historical past, evolution and radical potential, and argue that if we are to understand what being an EU citizen means, we need to see individuals 'in their fullness' and not to focus on one aspect of their lives, namely, the economic one, prioritise this and then infer the rest (section 1 below). In addition, we must get a number of foci of inquiry into balance and to integrate the civil (section 1), political (section 2) and social dimensions of EU citizenship, on the one hand, and rights and (future) duties, on the other (section 3). In this way, European Union citizenship emerges as an evolving whole of mutually interacting and interconnected parts and generative of new political realities and enriching associational bonds.

Beyond mere economism and individualism: a constructivist perspective on free movement

When European Union citizenship was introduced by the Treaty on European Union, most scholars viewed it as a purely decorative and symbolic institution, and a mirror image of pre-Maastricht 'market citizenship' (Everson 1995; d'Oliveira 1995). This is because the 'new' citizenship formation in the European Union repeated the pre-existing right of free movement and residence within the territory of the Member States which the Treaty of Rome had established (1957). And although constructivist approaches highlighted the transformative potential of European citizenship (Kostakopoulou 1996, 2000; Wiener 1998; Shaw 1998), the majority view was that EU citizenship was a mercantile citizenship and thus relevant to 'favoured EC nationals', that is, to a minority of European citizens, who possess the necessary resources required for intra-EU mobility.

This view prevailed in the literature in the 1990s and the 2000s, despite the fact that it was becoming increasingly clear that the Court of Justice of the EU and the Union's legislature

were advancing a rights-based approach to free movement.¹ In fact, despite the fact that the Court pronounced EU citizenship ‘a fundamental status of nationals of the Member States, enabling those who find themselves in the same situation to enjoy the same treatment in law irrespective of their nationality’² and in *Baumbast* recognised that Article 21(1) TFEU (formerly 18(1) TEC) is directly effective, that is, it confers on individuals rights which are enforceable before national courts,³ the literature still associates EU citizenship with the notion of market citizenship.

The ‘market bias’ underpinning discussions about EU citizenship is quite puzzling. In fact, it may be difficult to find another category of persons, apart from EU citizens, for whom the personal and the professional do not overlap, since both constitute dimensions of the same life. Such economic determinism implies that: i) certain aspects of the self can have a separate existence thereby suggesting, and defending, a fragmentary self; and ii) freedom of movement can be separated from the sociality that accompanies one’s pre-border crossing status and his/her settlement in another Member State. In other words, it is not only a naïve economism that underpins the notion of ‘market citizenship’, but also a methodological individualism since the term ‘market citizens’ necessarily centres our mind to ‘asocial citizens’ and ‘floaters’, that is, individuals willing to cross borders in order to maximise their economic self-interest. In what follows, I argue that these conceptions are misleading and misplaced for a number of reasons and that free movement of persons in the European Union cannot be thought of separately from its social, political and normative dimensions.

It is important to highlight that since the very early stages of European integration labour mobility was never perceived to be a mere functional prerequisite of the common market. Since the very beginning it was thus linked with the broader normative vision of establishing a

¹ The European Parliament and Council Directive of 29 April 2004 *on the right of citizens of the Union and their Family Members to move and reside freely within the territory of the Member States* (2004/38/EC), OJ 2004 L 158/77 (30 April 2004).

² Case C-184/99 *Grzelezyk v Centre Public d’Aide Sociale d’Ottignes-Louvain-la-Neuve* [2001] ECR I-6913, at para 31.

³ Case C-413/99 *Baumbast and R v Secretary of State for the Home Department* [2002] ECR I-7091.

‘European citizenship’; a notion explicitly mentioned by Lionello Levi Sandri, the vice-president of the Commission at that time.⁴ In the eyes of the European leaders, therefore, free movement of labour would enable European workers to enjoy equal treatment not only in the workplace, but also in the broader social environment of the host Member States and in the political arena. Indeed, the Preamble to Council Regulation 1612/68 explicitly referred to ‘the fundamental right of workers to improve their standard of living which must be exercised in freedom and dignity’.⁵

The Court sought to shelter the various aspects of workers’ lives from discrimination on the grounds of nationality and to promote their integration into the fabric of the host society by upholding family reunification rights, granting them the same tax and social advantages that nationals of the host Member State enjoy and protecting them from differential conditions of employment and from dismissal. It also ensured that their children and their spouses had access to educational opportunities, housing and trade union participation. In other words, both secondary legislation and case law sought to shelter their whole life, that is, both its economic and social dimensions, from the disadvantages that accompanied, and continue to accompany, ‘alienage’.

True, one might argue here that this protective layer of legislation had one objective only, namely, to eliminate restrictions in the exercise of free movement rights in order to promote the single market ideal and guarantee economic productivity. Yet, this argument fails to capture the complexity of free movement in the European Union since it essentially disentangles it from its context and its socio-political aspects.

The social aspect of freedom of movement

⁴ The Free Movement of Workers in the Countries of the European Economic Community, Bull. EC 6/61, pp. 5-10, p. 6.

⁵ European Council (1968) Regulation 1612/68 on Free Movement of Workers OJ Special Edition 475, OJ L257/2.

It is often argued that EU citizens are solely economic agents and that, by crossing borders and settling in another Member State, they partake in employment relations but not in the general social life and its collective development. The social aspect of the free movement of persons is more often than not subsumed under the economic and complex processes of social interaction are reduced to rationalist exercises of transactional give and take. Little consideration is given to the fact that, irrespective of any motivations for migration, settlement in another community is interlaced with membership in practices of reflexive cooperation (Kostakopoulou 1996, 1998).

In addition, it is wrong to view sociality as solely the byproduct of cross-border mobility. For it is also sociality that occasions border-crossings and settlement. Individuals are bounded by time and space and it is therefore impossible to disconnect them from the surrounding environment that fosters their development. Border-crossing in the EU is thus an expression of sociality, since an EU citizen normally invests resources and time in learning a language, about other cultures, countries and opportunities that might enhance his/her life options and is influenced by people, ideas, images and social practices. No human activities take place in walled-off spaces and no actions are purely self-regarding. In this respect, the individual is neither prior in time nor less significant than the social context (Mead [1934] 1967: 140) and, as the free movement idea per se is an also outgrowth of socio-political life in general, both the individual and the social are complementary aspects of the same thing.

Individuals are social selves in action and all freedom, including freedom of movement in the EU, is social in the sense that one is free to act in cooperation with, and by being assisted by, others. Being is being-with-others and acting is always acting-with, and in response to, them. More importantly, as Cooley (1902: 50) argued, freedom increases as sociality increases; one increases his/her freedom by acquiring new stimuli and an opportunity for self-expression, enlarging his/her knowledge base, developing his/her personality and being able to actualise himself/herself. Embedded within co-op models of society before and after intra-EU movement, EU citizens cannot be cut off from social processes. In order to understand what it means to be a

European citizen, our thinking about free movement in the European Union context, therefore, must be disentangled from the opposition between the individual and society, be this of residence or nationality, and must include something that is both individual and social.⁶

The determinist conceptions of individualism and economism accompanying the ‘market citizenship’ notion of EU citizenship are also called into question by empirical research. The Qualitative Eurobarometer Study on European Citizenship – Cross-border Mobility has revealed that just under half of the respondents in 25 out of the 27 Member States cited work as their primary reason for moving.⁷ About a quarter of the respondents moved to other Member States in order to study and the remainder cited either family reasons or the desire to acquire new experiences. The idea of ‘movers’ being predominantly ‘market citizens’ is thus simplistic. In addition, the same survey found that approximately one in every ten persons who moved primarily because of work moved with an existing employer.⁸

In the light of the foregoing discussion, it may be argued that ‘free movers’ cannot be disconnected from the social world around them – the social world they live behind and the social world they enter into. They are neither self-interested opportunists nor sellers of their labour power nor ‘floaters’ – in fact, such assumptions do not reflect actual people in all their human complexity. In this respect, a sociological conception of freedom reconciling sociality and freedom is necessary in order to understand freedom of movement as a characteristic of EU citizenship.

Equal Treatment

⁶ This understanding must also include ‘ruptures of instituted conceptions of mobility’, as Aradau et al have argued (2014).

⁷ Qualitative Eurobarometer Study, Aggregate Report, August 2010, European Commission, Brussels, Belgium. Also available at: http://www.ec.europa.eu/justice/citizen/files/cross_border_mobility, accessed on 16 June 2013.

⁸ Ibid, p. 14.

EU citizenship is not confined to mobility, that is, to border-crossings. Mobility is just one phase of the EU free movement and residence rights and is, essentially, a transitive process. What follows EU mobility, and, in my view, the critical ideal that underpins EU citizenship, is the principle of non-discrimination on the grounds of nationality and thus equal treatment with nationals of a certain Member State. And it is this principle, which essentially dictates how the authorities of a Member State should view, and treat, Union citizens and commands the lifting of unjustified restrictions in their exercise of Community law rights, that has caused, and continues to cause, stress in the Member States.

EU citizens are thus entitled to equal access to employment in the public and private sectors, equal treatment with respect to conditions of employment, including remuneration and dismissal, the same social and tax advantages that national citizens receive, educational opportunities and, in the main, security of residence. The Member States have had to accept the onward movement towards the opening of their societal and political membership circles and the obligation to refrain from discriminating directly or indirectly on the grounds of nationality and from positing unnecessary restrictions and unjustified burdens upon their activities. After five years of continuous residence in the host Member State, EU citizens become permanent citizens entitled to enjoy complete equality of treatment.⁹ During the crucial phase between three months (their residence is unqualified during the first three months) and five years of residence, their presence becomes a theatre of conflict for a number of claims, such as states' right to maintain the integrity of their welfare system and to shelter it from the claims of 'outsider insiders' and claims to equal treatment that EU citizenship law and policy has generated that have exceeded the liberalising trend of the free market ideology. It is in this domain that we often witness a conscious or unconscious manipulation of the facts surrounding EU citizens' everyday lives and often a resistance on the part of Member States to recognise them as co-citizens and holders of a right to equal treatment. Workseekers are thus often seen as 'burdens', as opposed to not yet fully

⁹ Article 16 of Dir. 2004/38.

active economic actors, and the economically weak parents of children born in the country and attending schools there may be ordered to leave by state authorities. In this war of narratives and competing claims, the EU citizenship right of free movement becomes reduced to a private impulse, a self-assertion colliding with the welfarist and national collectivist principles underpinning the host Member States. Its social aspects become underscored, the dynamic contributions of EU citizens to so many areas are bracketed and their lives, which are mingled with the general life of the host community, become planes of disconnected fragments.

Yet, one cannot and should not underestimate the changes that have taken place in European societies since the formal introduction of EU citizenship twenty years ago. Socio-political life as a whole has changed as the national membership circles have been expanded to include non-national EU citizens having a right to choose their civic or professional home in any of the EU's Member States. In this respect, European Union citizenship functions as a catalyst for institutional modification and a unique experiment for stretching social and political bonds beyond national boundaries. By invalidating ethnicity as a boundary marker and diluting the traditional link between the enjoyment of citizenship rights and the possession or acquisition of state nationality, European citizenship has enabled Union citizens to escape the closure of territorial democracy and to enjoy a wide range of associative relations across national boundaries.

More generally, it has enriched our political imagination by making another 'world' thinkable and visible; namely, a flexible notion of community which values diversity and human cooperation and is sustained and nurtured not only by its members' commitment to the collective shaping of its present and future governance, but also by disagreements and conflicts. In 1996 I used the term constructive citizenship in order to denote not only the constructed (as opposed to natural and objective) nature of European citizenship, but also its potential for new transformative politics beyond the nation-state (Kostakopoulou 1996). I saw as implicit in the European citizenship experiment the formation of a European public that is freed from nationalistic trappings and mythical foundations, is comfortable with diversity, values inclusion by replacing

nationality with domicile and seeks actively the deepening of democracy at all levels of governance. And by refusing to level out differences or to absorb other identifications and allegiances and by being committed to ‘the pursuit of multiple connections of respect across persisting differences’ (Connolly 2001: 349), it is giving European Union citizens an opportunity to live without the threat of war or internal repression, to reflect critically on, and learn from, the outward growth of social and political life and from contrasts of all sorts. Accordingly, European Union citizenship has added something important to personal and socio-political realities in Europe by carving out space for self-development and self-actualisation as well as for connectivity and reciprocal equal recognition.

Enhancing democratic participation

In addition to incorporating the ‘civil’ rights to free movement and residence, the Treaty on European Union included the political rights of voting and standing as a candidate for municipal elections and European Parliament elections in the Member State of residence, not of citizenship, under the same conditions as nationals (Articles 20(2) b and 22 TFEU). However, the European Union’s citizenship model has progressively shifted beyond the liberal model of citizenship. Genuine efforts have been made by the supranational institutions to institutionalise more direct forms of political participation and a complex constellation of political links among the citizens, civil society organisations, and European Union institutions in the new millennium. The Commission took the initiative of highlighting the importance of the civic participatory dimension of European governance in its 2001 White Paper on Governance.¹⁰ Specific manifestations of the shift towards active citizenship constitute the establishment of the citizens’ Agora in 2007 which links civil society to the European Parliament by providing a forum for the discussion of civic issues that feature on the Parliament’s agenda as well as the Lisbon Treaty’s

¹⁰ 2001, COM(2001) 428 final.

‘provisions on democratic principles’.¹¹ In these provisions, representative democracy (Article 10 TEU) is fused with direct political participation and deliberative democracy (Article 11 TEU).

It is true that civic participation has always been conceived to be multiform: European citizens’ representative associations and civil society have been involved in dialogic processes of consultation, implementation and assessment of legislative initiatives¹² and Article 11(1) TEU institutionalises a duty on the part of the Union’s institutions to ‘give citizens’ - not only representative associations - the opportunity to make known and publicly exchange their views in all areas of Union action. It is also true that issues surrounding the extent of the representativeness of associations, the centrality given to certain voices and interests at the expense of others, the difficulty of decoupling proposals from sectional distributions of power in civil society all continue to demand attention, but, it, nevertheless, remains the case that such practices enhance the institutionalisation of a more reflexive governance in the European Union. But it is also important to recognise that the democratisation process remains incomplete. Follesdal and Hix (2006) have defended the option of a direct election of the Commission’s president by the European citizens as well as the less radical possibility of allowing the European Parliament to nominate him/her.

The Lisbon Treaty also established an additional opportunity structure for direct political participation by introducing the ‘Citizens’ Initiative’. According to Article 11(4) TEU, not less than one million citizens across at least seven Member States may take the initiative of inviting the Commission to submit a legislative proposal for the purpose of implementing the Treaties.¹³ Although Article 11(4) TEU does not create a directly effective right, that is, a right enforceable in national courts because it does not establish an unconditional obligation, it enriches the democratic life of the Union by giving citizens an agenda setting role in the legislative process

¹¹ Articles 9-12 TEU.

¹² Commission Communication, Renewed Social Agenda: Opportunities, Access and Solidarity in the 21st century Europe, COM(2008) 412.

¹³ European Parliament and Council Regulation 211/2011 on the Citizens’ Initiative, 16 February 2011.

and by creating a common political space. For, in addition to creating a culture of dialogue and giving citizens a voice, it instantiates the new political reality of EU citizens being in mutual recognition vis-à-vis one another and engaging in reciprocal co-determination of the European Union legislative process.

Through its implicit appeal to a broader political space beyond national statist communities, the Citizens' initiative essentially encourages citizens from several Member States to act on commonalities that transcend their particular identities and to initiate legislative change from below. Premised on the transcendence of self-enclosed forms of political life, this institutional innovation re-inscribes citizen identities into a broader socio-political world which takes shape in the very instantiation of participatory democracy. For no European 'ecclesia of demos' or public exists 'out there'. Instead, the latter is being formed as one million people from several Member States get together mostly in virtual spaces and, through their signatures, constitute themselves as a mini- and single-issue demos. This process, which is still in the process of signature collection since the deadline for submission of the lists of participants for the first citizens' initiatives is the 1st of November 2013, prompts a rethinking of citizens' role in the European Union public sphere.

And although sceptics might dismiss the citizens' initiative as a weak communicative strategy designed to increase the social legitimacy of the European citizenship project, one cannot sidestep two important facts. First, this institutional mechanism presupposes the value of a participatory environment and a normative framework that values consultation, transparency, deliberation, institutional responsiveness. Secondly, it is through involvement in such participatory practices and the creation of these imaginary associative bonds that institutional realities 'open up' to societal demands, democratic input is enhanced¹⁴ and personal identities, in the sense of who we think we are and what we can become, are transformed.

¹⁴ Fourteen initiatives have been registered by the Commission on issues such as the recognition of EU citizens' right to vote in national parliamentary elections in the Member State of their residence, on climate

European social citizenship and (forthcoming) citizenship duties

Since freedom cannot be separated from sociality (section 1) and democratic participation (section 2), it would be incorrect to disentangle free movement and residence in the European Union from the broader social and political space it has created. The Court's case law has acknowledged that the connecting links that EU citizens establish with the host community owing to their residence there or retain with the country of their origin, notwithstanding their exit and relocation, activate the social dimension of EU citizenship. These connecting links have led the Court to disentangle free movement from socio-economic status and to grant (on certain occasions) equal treatment of those who are neither economically active nor economically self-sufficient with nationals for the host Member State. Economically 'weaker' EU citizens are thus entitled to receive social assistance, be it in the form of the award of a 'tide-over allowance' in order to enter the host labour market¹⁵ or a jobseeker's allowance¹⁶ or to have access to social assistance if they are lawfully resident there.¹⁷ Similarly, students who face temporary economic difficulties are entitled to receive a minimum subsistence allowance¹⁸ and a maintenance loan or finance in to cover the cost of their studies provided they can demonstrate a certain degree of integration into the society of that state.¹⁹ Provided that a genuine link exists with the labour market or the society of the host state and an EU citizen does not place an unreasonable burden on its welfare system, social solidarity is activated.

protection, the recognition of the rights to clean drinking water as a human right and so on. See P. Glogowski and A. Mauer, 'The European Citizens' Initiative: Chances, Constraints and Limits', Political Science Series 134, Institute for Advanced Studies, Vienna, April 2013.

¹⁵ See, for example, Case C-224/98 *Marie-Nathalie D'Hoop v Office national de l'emploi* [2002] ECR I-6191.

¹⁶ C-138/02 *Brian Francis Collins* [2004] ECR I-2703; Joined Cases C-22/08 and C-23/08 *Athanasios Vatsouras v Arbeitsgemeinschaft (ARGE) Nurnberg 900 and Josif Koupatantze v Arbeitsgemeinschaft (ARGE) Nurnberg 900*, Judgement of the Court of 4 June 2009.

¹⁷ Case C-456/02 *Trojani v CPAS* [2004] ECR I-7573.

¹⁸ Case C-184/99 *Grzelczyk*, n 2 above.

¹⁹ Case C-209/03, *Bidar v London Borough of Ealing*, Judgement of 15 March 2005.

Similarly, the Court is keen to protect EU citizens when they exit the Member State of their origin since their departure does not necessarily rupture the social solidarity ring. In fact, freedom of movement would be undercut, if the Member States penalized their own citizens for having availed themselves of their EU law rights by, for instance, depriving them of social benefits simply because they changed their place of residence. The scope of Union citizenship has thus been extended beyond the discrimination field thereby covering non-discriminatory restrictions, including unjustified burdens, imposed on EU citizens by their Member state of origin. In *Tas-Hagen* the Court held that the Dutch legislation on *benefits for civilian war victims 1940-1945* which required that beneficiaries should be resident in the Netherlands at the time of the submission of their application was ‘liable to dissuade Netherlands nationals’ from exercising their rights under Article 18(1) EC (now Article 20(1) TFEU) and therefore ‘constituted a restriction’.²⁰ Such a restriction did not meet the test of proportionality because ‘residence abroad’ is not a sufficient indicator of a person’s disconnection from the Member State granting the social benefit.

The same line of reasoning was displayed by the Court in *Nerkowska* and *Zablocka-Weyhermuller*.²¹ In the former case a disability pension compensating for the suffering endured by Ms Nerkowska, a Polish national, following her deportation to Siberia, was suspended because she changed her place of residence from Poland to Germany. In the latter case, Ms Zablocka-Weyhermuller, the surviving spouse of a German national victim of war, was denied the partial pension she received in Germany when she took residence in Poland. In both cases, the Polish and German Governments, respectively, put forward two justifications for the existence residence clauses, namely, the need to monitor employment and the social situation of the beneficiaries effectively, on the one hand, and their interest in restricting the obligations of solidarity to those

²⁰ Case C-192/05 *K. Tas-Hagen, R. A. Tas v. Raadskamer WUBO van de Pensioen – en Uitkeringsraad*, Judgment of the Court of 26 October 2006, para. 32.

²¹ Case C-499/06 *Halina Nerkowska v Zakład Ubezpieczeń Społecznych*, Judgment of the Court of 22 May 2008; Case C-212/06 *Krystyna Zablocka-Weyhermuller v Land Baden-Wurtemberg*, Judgment of the Court of 4 December 2008.

who retain a sufficient degree of connection with the national society, on the other. Both justifications, however, failed to convince the Court since an EU citizen's relocation does not automatically sever his/her connection with a Member State. The Court was thus keen to call into question the assumption that national welfare states require territorial closure and to extend the chain of social solidarity beyond a state's geographical territory.

But the judicialisation of EU citizenship is not sufficient for the full development of the social dimension of European Union citizenship. Treaty amendments that refer explicitly to the social dimensions of EU citizenship might be needed, in line with the Marshallian (1950) triptychon of civil, political and social rights. The need for such a reform has been accentuated by the sovereign debt crisis and the turbulence in the Eurozone which have made EU citizens insecure, anxious about their socio-economic well-being and mistrustful of public institutions at all levels of governance. Rising unemployment and poverty levels in the EU necessitate the preservation of the solidaristic rings that radiate from citizenship and could even trigger the institutionalisation of social citizenship duties.

Possible social citizenship duties that might find their way into the TFEU's provisions on EU citizenship in the future are: a) a duty addressed to both the Member States and the Union to promote the equal standing of all citizens in the EU by taking all possible measures to promote labour market participation and to fight poverty, homelessness and social exclusion; b) a duty on the part of the Member States and the Union to promote inclusive access to the resources, rights and opportunities needed for participation in the democratic life of the Union; c) an institutional equality duty applying to all levels of policy making and a horizontal (i.e., citizen) duty of non-discrimination on any of the prohibited grounds (Articles 18 and 19 TFEU) and d) a solidarity duty. Writing about European Union citizenship duties in the mid-1990s, I defended the inclusion of a Treaty provision stating that 'any acts adopted for the purpose of applying this Treaty should reflect every Union citizen's obligation to display solidarity with other Union citizens and with nationals of non-member countries resident in the Union. This obligation entails the respect for

the dignity of each person and the rejection of any form of social marginalisation' (1996; 2001: 124).²²

Considering the EU's explicit commitment to the principles of solidarity and social justice (Article 2 TEU), the institutionalisation of social citizenship duties would steer public policy thinking towards the tackling of rising socio-economic inequalities in tandem with existing attempts to stabilise and regulate better the financial system and would nurture postnational solidarity (Leibfried 1993; Bercusson 1993; Ferrera and Sacchi 2007; Ferrera 2009). It would also enrich significantly EU citizenship by blending its civil, political and social dimensions and by integrating rights and duties. Such a reform towards a 'welfare European Union' might also serve as the most effective antidote to the prospect of a fragmented and 'uncaring' Union in which there exists disfunctionality and spreading poverty.

Conclusion

European Union citizenship is, and must continue to be, experimental. It embodies no well-tested formula and has no ultimate finalite. It has promoted multifarious associational bonds beyond nation-states and by so doing has often collided with national laws. But collisions and frictions have not foiled its progressive development over the last 20 years; it has progressed as an institution, has enriched the life horizons of EU citizens and triggered institutional changes in national citizenship laws and policies, the Member States and the Union itself. While the effects of austerity programmes throughout Europe, namely, shrinking welfare budgets and the concomitant increase in poverty and homelessness in several Member States might dampen citizens' expectations for its further development, this unsettled and transitional phase also invites political actors to consider seriously the development of its social dimension. Free movement and

²² This could also be manifested in the establishment of a universal minimum income allowance for all EU citizens facing abject poverty, a proposal suggested by Schmitter and Bauer in 2001.

equal treatment (the civil dimension), political participation (the political dimension) and social protection (the social dimension) all are important for the development of the self and the adequate institutional functioning of EU citizenship. One cannot promote one dimension and restrict, or overlook, the others for they are implicated and interact with one another. In fact, it may well be the case that without an explicit social dimension and the recognition of social citizenship duties, EU citizenship itself might be of more limited value in Europe 2020 and beyond.

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